

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // SEPTEMBER 28, 2015**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, SEPTEMBER 28, 2015 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 - *ABSENT*

COMMISSIONERS:

DENNIS ROBINSON, COMMISSIONER, PCT. 1 - *PRESIDING*

LANE GRAYSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

KYLE BUTLER, COMMISSIONER, PCT. 4

COUNTY CLERK:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

VANCE HINDS

RAY RIKE

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 PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER KYLE BUTLER

CONSENT AGENDA:

MINUTE ORDER NO 384.15 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF SALARY SUPPLEMENT FOR THE COUNTY ATTORNEY OFFICE EMPLOYEES TO BE PAID WITH FUNDS RECEIVED FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR DISCRETIONARY EXPENSES FOR THE 2015-2016 BUDGET YEAR. RICKY SIPES \$1,025.00, LINDY BEATY \$1,025.00, STACY AUVENSHINE \$5,448.00, SANDY FISHER \$5,992.00, DARIN JACKSON \$5,510.00. — PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- A3 APPROVAL OF SALARY SUPPLEMENTS FOR THE COUNTY ATTORNEY OFFICE EMPLOYEES TO BE PAID WITH FUNDS RECEIVED AND TRANSFERRED FROM THE COUNTY & DISTRICT ATTORNEY ASSET FORFEITURE FUNDS TO THE COUNTY ATTORNEY SALARY LINE ITEM FOR THE FOLLOWING EMPLOYEES: RICKY SIPES \$3,643.00, LINDY BEATY \$3,643.00, RAY RIKE \$15,450.00, STACY AUVENSHINE \$5,868.00. NO ELLIS COUNTY TAX REVENUE IS USED TO PAY THESE SUPPLEMENTS. — PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- A4 TO CONTINUE THE RECEPTIONIST POSITION FOR BUDGET YEAR 2015-2016 AS APPROVED IN 2013-2014 AND 2014-2015 BUDGETS. THE TOTAL EXPENSE OF \$30,861.00 IS TO BE PAID FROM THE DISTRICT ATTORNEY DRUG FORFEITURE FUNDS. THIS POSITION WILL NOT COST THE COUNTY ANY TAX REVENUE FUNDS. — PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

- A5 APPROVAL ON ONE (1) PART TIME CLERK I WITHIN THE ELLIS COUNTY & DISTRICT ATTORNEY'S OFFICE FOR THE BUDGET YEAR 2015-2016 AS SCANNING CLERK. THIS POSITION WILL PAY \$10.00 PER HOUR FOR 24 HOURS PER WEEK AND FUNDED AS FOLLOWS: DISTRICT ATTORNEY, CHECK PROCESSING FUNDS, FROM LINE ITEM SALARY 030-0930-50502 TOTALING \$12,480.00. NO ELLIS COUNTY TAX REVENUE WILL BE USED TO FUND THIS POSITION. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- A6 APPROVAL ON ONE (1) PART TIME CLERK I WITHIN THE ELLIS COUNTY & DISTRICT ATTORNEY'S OFFICE FOR THE BUDGET YEAR 2015-2016 TO ASSIST THE CHILD PROTECTIVE SERVICES ATTORNEY. THIS POSITION WILL PAY \$10.00 PER HOUR FOR 30 HOURS PER WEEK AND FUNDED AS FOLLOWS: DISTRICT ATTORNEY, CHECK PROCESSING FUNDS LINE ITEM SALARY 030-0930-50502 TOTALING \$15,340.00. NO ELLIS COUNTY TAX REVENUE WILL BE USED TO FUND THIS POSITION. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- A7 ACCEPTING MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT FOR JULY 27, 2015 – CINDY POLLEY, COUNTY CLERK

FINANCIAL:

- F1 FROM 001-0035-50805 CONFERENCE \$1,500.00 TO 001-0035-50801 SUPPLIES \$1,000.00, 001-0035-50703 TELEPHONE \$500.00. – TERAL CRAWFORD, DIRECTOR OF INFORMATION TECHNOLOGY
- F2 FROM 001-0360-50801 DA – SUPPLIES \$411.52, 001-0360-50807 DA – GEN Misc \$400.00, 001-0360-50601 DA – TRAVEL REIMB \$91.59, 001-0360-50703 DA – TELEPHONE \$5.28, 001-0360-50806 DA – DUES \$8.00, 001-0360-50846 DA – WITNESS FEES \$79.93, 001-0360-50799 DA – COPIER EXPENSE \$17.48 TO 001-0360-50805 DA- CONFERENCE \$128.75, 001-0360-50853 DA – LEGAL RESEARCH \$422.05, 001-0360-50833 DA- COURT REPORTING \$463.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F3 FROM 010-0653-50912 FM2 BRIDGE REPAIR \$25,000.00 TO 010-0653-50911 FM2 GRAVEL \$25,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F4 FROM 001-0420-50897 SUBSTANCE ABUSE SERVICES \$9,500.00 TO 001-0420-50875 PSYCHOLOGICALS \$8,000.00, 001-0420-50893 DETENTION PROVISION \$500.00, 001-0420-50896 SEX OFFENDER JUVENILE \$1,000.00. – CHATRINIA JOHNSON, JUVENILE SERVICES
- F5 FROM 001-0230-50803 FURNITURE/FIXTURES \$198.00, 001-0230-50601 TRAVEL REIMB. \$400.00 TO 001-0230-50819 COMPUTER \$598.00. – JODI PLATT, PURCHASING AGENT
- F6 FROM 006-0754-40092 RB4/SUBDIVISION PERCENTAGE \$27,584.41, 006-0754-40004 RB4/SALE OF MATERIAL \$89.10, 006-0754-40008 RB4/INTERLOCAL AGREEMENT \$3,109.00, 006-0754-40010 RB4/SALE OF EQUIPMENT \$5,323.38 TO 006-0754-50911 RB4/GRAVEL \$36,108.89. – KYLE BUTLER, COMMISSIONER, PCT. 4
- F7 FROM 012-0755-40008 FM4/INTERLOCAL \$112,575.00, 012-0755-50910 FM4/GAS & OIL \$50,000.00 TO 012-0755-50915 FM4/ASPHALT \$132,575.00, 012-0755-50911 FM4/GRAVEL \$25,000.00, 012-0755-50807 FM4/GENERAL MISC. \$5,000.00. – KYLE BUTLER, COMMISSIONER, PCT. 4
- F8 FROM 001-0390-50873 MAINTENANCE/REPAIRS \$1,000.00 TO 001-0390-50801 SUPPLIES \$1,000.00. – CAROL BUSH, COUNTY JUDGE
- F9 FROM 001-0450-50805 CONFERENCE \$1,281.66 TO 001-0450-50703 \$1,069.00, 001-0450-50801 SUPPLIES \$212.46. – FIRE MARSHAL
- F10 FROM 001-0000-30302 BUDGETED FUND BALANCE \$900,000.00 TO 001-0140-50860 TSF TO PERMANENT IMPROVEMENT \$900,000.00.
- F11 FROM 001-0140-50560 COMPENSATORY/FRINGE LIABILITY \$86,800.00 TO 001-0140-50822 LEGAL FEES \$500.00, 001-0140-50831 ADMINISTRATIVE JUDICIAL \$200.00, 001-0140-50837 POSTMORTEM EXAMS \$15,000.00, 001-0140-50866 COMMUNITY SUPPORT \$100.00, 001-0140-50887 RADIO TOWER \$1,000.00, 001-0140-50903 SETTLEMENT \$500.00, 001-0140-50557 WORKERS COMP \$24,000.00, 001-0140-50558 CONTINGENCIES/RESERVE \$2,000.00, 001-0140-50706 INSURANCE DEDUCTIBLE \$3,000.00, 001-0140-50801 SUPPLIES \$500.00, 001-0140-50802 EQUIP/MAINT/REPAIRS \$11,000.00, 001-0140-50811 FLEET PURCHASE \$29,000.00.

F12 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNT FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
SELECT PORTFOLIO SERVICES, INC.	165255	\$3,760.80

SIMPLIFIED PLAT:

- SP1 MONGO LAND, 3 LOTS, BRIGMAN ROAD, LARRY SIMPSON, LOCATED IN ROAD AND BRIDGE PCT. 3
- SP2 LOST ACRES, 1 LOT, BOB SKRIVANEK AND JULIE SKRIVANEK, LOCATED IN ROAD AND BRIDGE PCT. 2.

MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

No ACTION: 1.1 REPLAT- INDIA ACRES, LOT 35C, 499 TEN MILE ROAD, FERRIS, STEPHEN HAMM, LOCATED IN ROAD AND BRIDGE PCT. 1.

MINUTE ORDER NO 385.15 APPROVING FINAL PLAT – BRYSON SPRINGS PHASE I, 36 LOTS, BRYSON ROAD, JHH PROPERTY, LOCATED IN ROAD AND BRIDGE PCT. 4

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

PURCHASING

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 386.15 APPROVING RENEWAL OF SPCA CONTRACT WITH ELLIS COUNTY FOR ANIMAL CONTROL AND SHELTERING SERVICES

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 387.15 APPROVING COMPREHENSIVE LIABILITY INSURANCE RENEWAL WITH HIBBS-HALLMARK & COMPANY

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

MINUTE ORDER NO 388.15 APPROVING A ONE YEAR AGREEMENT FROM SK SEPTIC FOR ELLIS COUNTY JUVENILE SERVICE AEROBIC SEPTIC SYSTEM INSPECTIONS, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 389.15 APPROVING RENEWAL AGREEMENT BETWEEN ELLIS COUNTY AND CORRECTIONAL FOOD SERVICE GP, LLC, IN ACCORDANCE OF THE LOCAL GOVERNMENT CODE

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 390.15 APPROVING LEASE AGREEMENT WITH THE CITY OF ENNIS FOR LAND IN WHICH THE REGION 10 TOWER RESIDES

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

ADMINISTRATIVE:

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 391.15 ADOPTING A GENERAL MAINTENANCE AND OPERATIONS TAX RATE OF 0.380091 (CONSISTING OF AN INTEREST AND SINKING RATE OF 0.056505 AND AN OPERATIONS RATE OF 0.323586), AND ADOPTING A FARM TO MARKET TAX RATE OF 0.033508 FOR ELLIS COUNTY FY 2015-16, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §81.006 AND TEXAS TAX CODE §26.05. THIS WILL MAKE THE TOTAL TAX RATE 0.413599 PER \$100 OF TAXABLE VALUE.

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY, *WITH COMMISSIONERS BUTLER, PERRY, GRAYSON & ROBINSON VOTING YES*

MINUTE ORDER NO 392.15 RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE 2015-2016 ELLIS COUNTY BUDGET THAT WAS ADOPTED BY THE COMMISSIONERS COURT ON SEPTEMBER 14, 2015, AS REQUIRED BY LOCAL GOVERNMENT CODE 111.008(C). THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$3,521,273 (8.058%). THE TOTAL TAX RATE IS 0.413599 PER \$100 VALUATION.

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

MINUTE ORDER NO 393.15 APPROVING 4-H PROCLAMATION FOR 2015 NATIONAL 4-H WEEK

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 394.15 APPROVING SHERIFF AND CONSTABLE FEES

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

MINUTE ORDER NO 395.15 APPROVING INTERLOCAL AGREEMENT BETWEEN COUNTY OF ELLIS AND CITY OF GLENN HEIGHTS (KYLE BUTLER, COMMISSIONER, PCT. 4)

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 396.15 APPROVING WORK ORDER WITH CITY OF GLENN HEIGHTS – 1 MILE OF UHL RD. FROM FM 664 TO DALLAS COUNTY LINE. TRIM TREES, PULL SHOULDERS, HAUL OFF AND RECONSTRUCT ROAD WITH BASE AS NEEDED – 2 COURSE CHIP SEAL. \$110,000.00. (KYLE BUTLER, COMMISSIONER, PCT. 4)

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 397.15 APPROVING WORK ORDER WITH CITY OF OVILLA – 4TH MILE OF WATER ST., PULL SHOULDERS, HAUL OFF AND RECONSTRUCT ROAD WITH BASE AS NEEDED – 2 COURSE CHIP SEAL. \$38,000.00 (KYLE BUTLER, COMMISSIONER, PCT. 4)

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 398.15 APPROVING WORK ORDER WITH CITY OF OAK LEAF– 8TH MILE OF WINDING CREEK RD. AND 8TH MILE OF LITTLE CREEK RD., PULL SHOULDERS, HAUL OFF AND RECONSTRUCT ROAD WITH BASE AS NEEDED – 2 COURSE CHIP SEAL \$155,200.00 (KYLE BUTLER, COMMISSIONER, PCT. 4)

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 399.15 ACCEPTING THE APPLICATION OF BILLY THOMPSON TO SERVE AS A BOARD MEMBER OF EMERGENCY SERVICES DISTRICT (ESD) # 5 (DENNIS ROBINSON, COMMISSIONER, PCT. 1)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 400.15 ACCEPTING THE APPLICATION OF TIM BERNEKING TO SERVE AS A BOARD MEMBER OF EMERGENCY SERVICES DISTRICT (ESD) #8 (LANE GRAYSON, COMMISSIONER, PCT. 2)
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 401.15 AUTHORIZING PAYMENT OF \$500.00 FOR A CLAIM INVOLVING VINCENT DOMINIC CENTENO RELATING TO THE ELLIS COUNTY SHERIFF'S OFFICE
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (3:48 PM)
MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER 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 §551.071 CONSULTATION WITH COUNCIL CONCERNING A PAYMENT IN THE AMOUNT OF \$500.00 FOR A CLAIM INVOLVING VINCENT DOMINIC CENTENO RELATING TO THE ELLIS COUNTY SHERIFF'S OFFICE.
- 4.2 ADVICE OF COUNSEL (SUBCHAPTERS A THRU E, CHAPTER 775 OF THE TEXAS HEALTH AND SAFETY CODE), REGARDING EMERGENCY SERVICES DISTRICT BOARD OF DIRECTORS.

ADJOURNMENT OF EXECUTIVE SESSION (4:24 PM)
MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

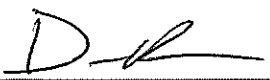
ADJOURNMENT (4:26 PM)
MOTION TO ADJOURN BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF SEPTEMBER 28, 2015 ARE HEREBY APPROVED.


PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2



PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JANUARY 12, 2015

Cindy Polley

CINDY POLLEY, COUNTY CLERK

